

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: NAVIDEA BIOPHARMACEUTICALS  
LITIGATION

Case No: 1:19-cv-01578-VEC

ECF Case

**DECLARATION OF BARRY M. KAZAN IN SUPPORT OF  
PLAINTIFF/COUNTERCLAIM-DEFENDANT  
NAVIDEA BIOPHARMACEUTICALS, INC.'S AND THIRD-PARTY  
DEFENDANT MACROPHAGE THERAPEUTICS, INC.'S  
MOTION TO EXCLUDE EXPERT TESTIMONY OF TERRY L. ORR**

Barry M. Kazan, an attorney duly admitted to practice law in the State of New York, under penalty of perjury, declares as follows:

1. I am counsel to Plaintiff/Counterclaim-Defendant Navidea Biopharmaceuticals, Inc. (“Navidea”) and Third-Party Defendant Macrophage Therapeutics, Inc. (“Macrophage”), and submit this declaration in support of Navidea’s and Macrophage’s *Motion to Exclude the Expert Testimony of Terry L. Orr*.

2. Annexed hereto as **Exhibit 1** is a true and correct copy of the August 14, 2018 agreement between Navidea, Macrophage and Defendant/Counterclaim Plaintiff/Third-Party Plaintiff Michael M. Goldberg, M.D. (“Goldberg”).

3. Annexed hereto as **Exhibit 2** is a true and correct copy of the September 30, 2021 Expert Report of Terry Lee Orr, on behalf of Goldberg (the “Orr Report”).

4. Annexed hereto as **Exhibit 3** is a true and correct copy of the November 15, 2021 deposition testimony of Terry Lee Orr (the “Orr Tr.”).

5. Annexed hereto as **Exhibit 4** is a true and correct copy of the November 15, 2021 Expert Rebuttal Report of William F. Murray on behalf of Navidea and Macrophage (the “Murray Report”).

Date: February 4, 2022  
New York, New York

By: /s/ Barry Kazan  
Barry M. Kazan, Esq.